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Docket No.: S0595.0078/P078  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Deborah Chrisman et al

Application No.: 10/034,369

Group Art Unit: 2161

Filed: December 28, 2001

Examiner: Not Known

For: SYSTEM AND METHOD FOR  
SCHEDULING AND TRACKING RETAIL  
STORE RESETS AND REMODELS

TRANSMITTAL LETTER

RECEIVED  
MAR 25 2003  
GROUP 3600

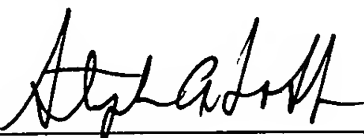
Commissioner for Patents  
Washington, DC 20231

Dear Sir:

Attached for filing in the above-captioned patent application is a Petition to  
Make Special. Form PTO-2038 also is attached.

Dated: March 12, 2003

Respectfully submitted,

By 

Stephen A. Soffen

Registration No. 31,063

Salvatore P. Tamburo

Registration No. 45,153

DICKSTEIN SHAPIRO MORIN &  
OSHINSKY LLP

1177 Avenue of the Americas

41st Floor

New York, New York 10036-2714

(212) 835-1400

Attorneys for Applicants



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AND REMODELS

PETITION TO MAKE SPECIAL

Commissioner for Patents  
Washington, DC 20231

Dear Sir:

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Applicants hereby petition the Commissioner to make the above-identified application special pursuant to 37 C.F.R. § 1.102(d) and M.P.E.P. § 708.02(VIII). Attached is a Credit Card Payment Form, PTO-2038, with a signature from an authorized cardholder. Please charge our credit card in the amount set forth in 37 C.F.R. § 1.17(h) (\$130.00) to cover the required petition fee. Please charge any deficiency in the fees associated with this Petition to our Deposit Account No. 04-1073 with reference notation S0595.0078/P078.

If the Examiner determines that all of the pending claims (claims 1-42) are not obviously directed to a single invention, Applicants will make an election without traverse as a prerequisite to the grant of special status.

A pre-examination search was conducted by a professional patent searcher. The search was conducted in the records of the U.S. Patent and Trademark Office (USPTO) at Class 705, subclasses 8, 9, 11, 28 and 29. In addition, a Keyword search was performed in the USPTO full-text database including published U.S. patent applications. The following materials were

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uncovered by the pre-examination search and submitted to the USPTO in an Information Disclosure Statement filed January 21, 2003.

<u>Patent No.</u>	<u>Inventor(s)</u>
US 5,111,391	Fields et al.
US 5,765,140	Knudson et al.
US 5,918,219	Isherwood
US 6,037,945	Loveland
US 6,070,143	Barney et al.

<u>Patent Application Publication No.</u>	<u>Inventor(s)</u>
US 2001/0027404 A1	Loveland
US 2001/0032062 A1	Plaskoff et al.
US 2002/0065702 A1	Caulfield
US 2002/0161619 A1	Ham et al.

U.S. Patent No. 5,111,391 to Fields et al. ("Fields") discloses a system for generating optimum staff work schedules that are unique to each of a plurality of remote locations. The optimum schedules take into account the tasks needed to be scheduled and when they should be scheduled, the employee skill level, resources available to facilitate tasks, relationship between tasks, employee availability by day of week, hours of the day, skill level and priority of seniority levels.

Nowhere does Fields discuss "receiving store information" or "receiving product information," as recited in independent claims 1 and 19. Further, nowhere does Fields discuss a "software module determining a fair share of a total amount of labor needed to perform [a] store activity," as recited in independent claim 31.

U.S. Patent No. 5,765,140 to Knudson et al. ("Knudson") discloses a system for facilitating the management of projects being performed within large companies. The system is configured to identify a personnel resource pool, effect the project plan including tasks to be performed with respective time schedules, and prepare time sheets such that actual time is compared with the time schedule.

Nowhere does Knudson discuss “receiving store information” or “receiving product information,” as recited in independent claims 1 and 19. Further, nowhere does Knudson discuss “a site processor adapted to receive requests from [a] user terminal through a communication network.” Nor does Knudson discuss a “software module determining a fair share of a total amount of labor needed to perform [a] store activity,” as recited in independent claim 31.

U.S. Patent No. 5,918,219 to Isherwood (“Isherwood”) discloses a system and method for estimating construction project costs and schedules based on historical data. A new job is compared with previous jobs to determine whether there are any similarities for purposes of preparing an accurate bid.

Nowhere does Isherwood discuss “receiving store information” or “receiving product information,” as recited in independent claims 1 and 19. Further, nowhere does Isherwood discuss a “software module determining a fair share of a total amount of labor needed to perform [a] store activity,” as recited in independent claim 31.

U.S. Patent No. 6,037,945 to Loveland (“Loveland”) discloses a method for modeling rooms or chambers in a structure for intuitive and accurate estimation of process parameters such as materials and labor costs.

Nowhere does Loveland discuss “receiving store information” or “receiving product information,” as recited in independent claims 1 and 19. Further, nowhere does Loveland discuss a “software module determining a fair share of a total amount of labor needed to perform [a] store activity,” as recited in independent claim 31.

U.S. Patent No. 6,070,143 to Barney et al. (“Barney”) discloses a system for analyzing work requirements and matching them with worker-oriented information so as to design and redesign jobs and to create human resource features, such as performance appraisals, personnel selection systems and training curricula.

Nowhere does Barney discuss “receiving store information.” Nor does Barney discuss “receiving product information,” as recited in independent claims 1 and 19. Further,

nowhere does Barney discuss a “software module determining a fair share of a total amount of labor needed to perform [a] store activity,” as recited in independent claim 31.

U.S. Patent Application Publication No. US 2001/0027404 A1 to Loveland (“Loveland II”) discloses an integrated computerized system for preparing for the accomplishment of a task. The system includes a training module capable of providing interactive training to a user regarding how to perform the task, an estimating module capable of estimating the cost of materials required for the task, and a purchasing module capable of providing means for purchasing the materials.

Nowhere does Loveland II discuss “receiving store information” or “receiving product information” as recited in independent claims 1 and 19. Further, nowhere does Loveland II discuss a “software module determining a fair share of a total amount of labor needed to perform [a] store activity,” as recited in independent claim 31.

U.S. Patent Application Publication No. US 2001/0032062 A1 to Plaskoff et al. (“Plaskoff”) discloses a system for designing, specifying and purchasing a construction renovation project over the Internet.

Nowhere does Plaskoff discuss “receiving store information” or “receiving product information” as recited in independent claims 1 and 19. Further, nowhere does Plaskoff discuss a “software module determining a fair share of a total amount of labor needed to perform [a] store activity,” as recited in independent claim 31.

U.S. Patent Application Publication No. US 2002/0065702 A1 to Caulfield (“Caulfield”) discloses a system implemented in an automobile repair shop for minimizing the amount of time spent by a car in the shop. The system determines historical work efficiency of individual technicians, assigns work to technicians based on availability, schedules work in accordance with the technicians’ efficiency, sets performance goals and reports on the degree of achievement of the performance goals.

Nowhere does Caulfield discuss “receiving store information” or “receiving product information” as recited in independent claims 1 and 19. Further, nowhere does Caulfield discuss

a “software module determining a fair share of a total amount of labor needed to perform [a] store activity,” as recited in independent claim 31.

U.S. Patent Application Publication No. US 2002/0161619 A1 to Ham et al. (“Ham”) discloses a method for arranging temporary project labor using the Internet. The method includes posting a project on the Internet, receiving a request from a prospective laborer to be considered for the project, providing training to the prospective laborer, transmitting a project package to the (now) contract laborer, receiving a completed project package from the contract laborer and authorizing an electronic payment on behalf of the contract laborer.

Nowhere does Ham discuss “receiving store information” or “receiving product information” as recited in independent claims 1 and 19. Further, nowhere does Ham discuss a “software module determining a fair share of a total amount of labor needed to perform [a] store activity,” as recited in independent claim 31.

The above-described reasons for the patentability of claims 1-42 are not an exhaustive list. There are additional reasons why claims 1-42 should be allowable over the above-identified materials.

Applicants respectfully submit that this Petition satisfies all of the requirements of 37 C.F.R. § 1.102(d) and M.P.E.P. § 708.02(VIII). Accordingly, the Commissioner is respectfully requested to advance this application out of turn for examination and for further action. Allowance of the application is solicited.

Application No.: 10/034,369

Docket No.: S0595.0078/P078

Dated: March 11, 2003

Respectfully submitted,

By 

*Reg. No. 45,153*

Steven I. Weisburd

Registration No. 27,409

Salvatore P. Tamburo

Registration No. 45,153

DICKSTEIN SHAPIRO MORIN & OSHINSKY  
LLP

1177 Avenue of the Americas, 41st Floor

New York, NY 10036-2714

(212) 835-1400

Attorneys for Applicants